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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,146	05/08/2001	Bruce Plotnick	WGATE13	1272

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,146

Applicant(s)

PLOTNICK ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-14, 16-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16-23 & 25-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/2006 has been entered.

1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-14, 16-23 & 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, (U.S. Pat # 5,666,645), in view of Boyer, (U.S. Pat # 6,268,849).

Considering amended claim 1, the claimed information service distribution system comprising:

‘at least a first provider of information to be broadcast to viewers, such that the provider periodically generates one or more information files and stores them in a provider storage medium’, reads on the disclosure in Thomas of the program schedule information providers that provide EPG schedule information through the data feeds 80, to the Automated Data Collection (DC) subsystem 10, which along with the main database 90 forms a centralized EPG management and distribution center, see col. 4, lines 1-6 & col. 5, lines 50-67; Fig.1 & Fig. 2. As for the first provider of information having a storage medium, Thomas teaches that the program schedule information providers transmit EPG data to the ADC 10, but does not specifically disclose the use of a storage medium at the site. Official Notice is taken that at the time the invention was made; maintaining a storage medium at an EPG provider was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to include a storage medium at the site of the program schedule information providers, for the known purpose of at least temporarily storing the EPG data before it is transferred to the main distribution center, and so that a copy may be maintained in order to distributed to another main distribution center.

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‘central server for receiving the information files from the provider storage medium, such that the central server has a plurality of storage locations’, is met by the main database 90 and ADC 10, which operate as a centralized database, col. 4, lines 1-8; col. 6, lines 1-40.

‘provider server for periodically transmitting the information files in the provider storage medium to the central server’, reads on the EPG providers, since Thomas discloses that the program schedule information providers periodically transmit the EPG schedules to the ADC 10, via data feed 80; col. 4, lines 1-3; col. 5, lines 51-67.

‘at least a first local server for receiving the files from the central server and sending the files from the central server and sending the files to a corresponding CATV headend in a TV distribution system’ is met by the operation of the of the feed generation system 70, which transmits updated EPG data to one or more EPG providers, which may be a headend or super-headend, col. 9, lines 5-35; col. 10, lines 5-35; col. 11, lines 12-67 thru col. 12, lines 1-10 & Fig. 7.

As for the amended claimed feature of the files containing, ‘a plurality of static screens of information, such that each screen includes information pertaining to an area of interest’, Thomas does not discuss such a format. Nevertheless, Boyer teaches transmitting EPG data to subscriber(s) which includes web page, col. 3, lines 65-67; col. 5, lines 45-67. The EPG data in Boyer in the format of web pages reads on the claimed ‘static screens’. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas

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with the feature of EPG data in the format of web pages, for the advantage of providing users with a wider range of resources, as taught by Boyer, see col. 5, lines 59-67.

‘programming in the central server for periodically checking whether information files are present in any of the storage locations, and transferring any of the files to the local server’ is met by the discussion in Thomas, col. 6, lines 11-45; col. 11, lines 45-67, which teaches that the feed generation subsystem extracts EPG data from the main database 90, at least temporarily stores the EPG data in cache 720.

Regarding the newly added feature of ‘periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the central server’, Thomas teaches that the ADC processor 120 determines additions, deletions and changes, col. 6, lines 12-25, which meets the claimed subject matter.

Regarding the additional claimed feature of, ‘the area of interest being selected from the group consisting of sports, weather, local communities’, Boyer teaches the claimed subject matter, see Fig. 4-6; col. 4, lines 12-25; col. 4, lines 44-55;

Considering claims 3 & 10, Thomas discloses that the various servers may at least communicate using a satellite link, which meets the requirement.

Considering claim 4, Thomas meets the claimed subject matter, col. 6, lines 11-40.

Considering claims 5 & 11, Thomas teaches that the system may operate on a UNIX platform, (col. 14, lines 1-14) but does not discuss the particular programming language. Official Notice is taken that at the time the invention was, the use of various programming languages such as PERL, C, JAVA, etc. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to use any number of computer languages, such as C for instance, which is particularly suited for the UNIX platform, in order to have highly automated and programmed system.

Considering claims 6 & 16-17, the claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent to the headend, the operation of the manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Regarding claim 17, the manual entry and corrections subsystem 20, makes sure that the EPG data is verified before transmission, see col. 8, lines 3-45.

Considering claims 7 & 12, the claimed private network is met by the Feed Generation subsystem 70, see Fig. 7.

Considering claims 8, 13 & 20, Thomas is directed to an EPG delivery system , which would necessarily at least include channels for news and sports, and reads on the claim language, see col. 5, lines 51-67. Moreover, see Boyer, col. 4, lines 20-65 & Fig. 4-7.

Considering claim 9, the claimed information service distribution system comprises elements that correspond with the subject matter recited in the above rejection of claim 1, and are likewise treated. As for the additionally claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent o the headend, the operation of the manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Considering claim 14, the claimed method for broadcasting information in a TV distribution system comprises steps that correspond with elements mentioned in the above rejection of claim 1, and are likewise treated.

Considering claims 18-19, regarding the format of the data files, Thomas only discusses that the files may be transmitted using MPEG 2, col. 11, lines 21-45. Nevertheless, Boyer teaches transmission of data files using JPEG and/or HTML col. 6, lines 1-22. It would have been obvious for one of ordinary skill in the art a t the time the invention was made, to modify Thomas to transmit data files using JPEG, as taught by Boyer at least for the known benefits of compression of still image images, and HTML for the desirable advantage of a more interactive user interface, for the customer.

Considering claims 21 & 25, the claimed method steps for broadcasting over a TV distribution system, comprises elements that correspond with subject matter mentioned above in claim 1, are likewise treated. As for the additional feature of HTML files, Boyer provides that claimed subject matter, see col. 5, lines 45-60; col. 6, lines 36-62; col. 7, lines 54-64.

As for the computer readable medium recited in claim 29, both Thomas & Boyer are directed to computerized system and thus meets the claimed subject matter.

Considering claims 22 & 26, Boyer teaches that system uses JPEG format, col. 6, lines 5-12.

Considering claims 23 & 27, the claimed subject matter reads on the update (dynamic) information in Boyer, col. 9, lines 28-65.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



**REUBEN M. BROWN
PATENT EXAMINER**